

REMARKS

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claims 1-3 are amended herein and claims 4 and 5 are cancelled. Of the claims, only claims 1 and 3 are independent. No new matter has been added.

In the Office Action, the Examiner objected to claims 4 and 5, and rejected claims 1-2 under 35 U.S.C. 103(2) as being unpatentable over Nakaoka et al. in view of "ASM Handbook: Vol. 1 Properties and Selection: Irons, Steels, and High-Performance Alloys" or "The Making, Shaping and Treating of Steel." In addition, the Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Nakaoka et al. in view of "ASM Handbook: Vol. 1 Properties and Selection: Irons, Steels, and High-Performance Alloys" or "The Making, Shaping and Treating of Steel." Applicants gratefully acknowledge the indication by the Examiner that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the limitations of claims 4 and 5 were added to claims 1 and 3, respectively, which, together with dependent claim 2, are believed to be now allowable over the prior art.

In light of the foregoing amendments and remarks, the application is now believed to be in proper format for allowance of all claims and a notice to that effect is earnestly solicited.

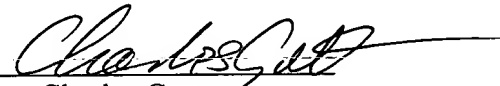
Please deduct any fees resulting from this Amendment from Deposit Account No. 16-2500 of the undersigned.

Serial No. 09/508,490

Attorney Docket No. : 20496-248

The undersigned attorney requests that the Examiner contact him at the telephone number indicated below to resolve any remaining issues raised herein so that an Examiner's Amendment may be utilized as appropriate.

Respectfully submitted,
PROSKAUER ROSE LLP
Attorneys for Applicant(s)

By: 
Charles Guttman
Reg. No. 29,161

Date: November 20, 2003
PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036
Tel. (212) 969-3000